

Appl. No. : **10/053,860**
Filed : **October 25, 2001**

AMENDMENTS TO THE DRAWINGS

Applicant has filed herewith a replacement sheet for Figure 2.

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REMARKS

In response to the Office Action mailed September 27, 2005, Applicant respectfully requests reconsideration of the above-captioned application in view of the foregoing amendments and the following comments. By this paper, Claims 14, 15, 17-21, 24-27, 38, and 40 have been amended. Claims 1-42 are currently pending.

Discussion Of The Drawing Objection

In paragraph 2 of the Office Action, the Examiner objects to the drawings as not showing every feature of the invention specified in the claims. More particularly, the Examiner indicates that the backbone network recited in Claims 41 and 42 must be shown or the feature canceled from the claims. In response to this objection, Applicant provides herewith a replacement drawing for Figure 2, including a representation of a backbone network. This replacement drawing does not add new matter to the application. Removal of this objection is respectfully requested.

Discussion of Claim Rejections Under 35 U.S.C. §112, First Paragraph

In paragraph 4 of the Office Action, the Examiner rejects Claims 17-21 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner further indicates that it is not clear where the claimed subject matter of Claims 17-21 are described in the specification.

Applicant respectfully asserts that the subject matter of Claims 17-21 is enabled in the originally filed application. The test of enablement is whether one reasonably skilled in the art could make or use the claimed invention from the disclosures in the patent coupled with information known in the art without undue experimentation. MPEP § 2164.01. Because enablement is determined from the standpoint of the skilled artisan, “a patent need not teach, and preferably omits, what is well known in the art.” *Id.* Moreover, a “disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement ..., unless there is a reason to doubt the objective truth of the statements contained therein.” MPEP § 2164.04. Applicants

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respectfully submit that the instant specification, coupled with information known in the art, teaches how to make and use the full scope of the claimed invention, and is thus enabling.

The specific elements of the claims addressed by the Examiner, along with Applicant's remarks regarding the enablement of each referenced claim element, are listed below:

1. The Examiner queries "what constitutes a traffic type?"

The term "traffic type" is used in each of Claims 17-21 and is believed to be enabled by the specification of the instant application. For example, on page 7, lines 8-11 of the specification we read that "the first traffic type may comprise a Bluetooth protocol and the second traffic type may comprise a WLAN or IEEE 802.11B protocol, which are broadcast simultaneously in the wireless communications network." Furthermore, Claim 3 of the application recites that "traffic types comprise a voice quality traffic type and a data quality traffic type." Thus, exemplary traffic types include data transmitted using Bluetooth, WLAN, and IEEE 802.11B protocols; and data transmitted using protocols suitable for voice or data quality. Accordingly, the specification describes several traffic types and, therefore, Applicant respectfully asserts that the specification enables one reasonably skilled in the art to understand and use "traffic types," as recited in Claims 17-21.

2. The Examiner queries, "what does it mean to associate a desired quality of service level to each of the plurality of traffic types?"

Applicant first notes that Claim 17, as amended, recites "associating at least one quality of service threshold to each of the plurality of traffic types." Applicant respectfully maintains that the claim language, coupled with information known in the art, enables one of ordinary skill in the art to perform the above-cited element of Claim 17. In addition, this element is further enabled in the specification at least on page 16, lines 17-25, which recites:

The assignment and evaluation of individual quality requirements for each protocol 110, 111 vary depending on the intended use of the information contained in the wireless transmissions. The quality requirements may, for example, define the degree of degradation, latency, interference, or error correction, which can be

tolerated by the protocol 110, 111 within a pre-determined threshold. The predetermined quality of service threshold is desirably maintained by the signal processing module 122 to insure that the corresponding wireless transmissions do not experience delays, corruption, or interference, which may degrade the data transmission throughput of a protocol 110, 111 to a level below a desired performance level.

Thus, quality of service thresholds relate to latency, interference, and error correction, for example, and may be associated with protocols, such as Bluetooth 110 protocols or WLAN 111 protocols. As noted above in numbered paragraph 1, traffic types may include data transmitted according to certain protocols, such as Bluetooth or WLAN protocols. Accordingly, in view of at least the above-cited portions of the specification, coupled with information known in the art, "associating at least one quality of service threshold to each of the plurality of traffic types," is enabled by the specification.

3. The Examiner queries, "where is the decision making sequence described in the specification or shown in the drawings."

Applicant first notes that Claim 17, as amended, recites, "applying a decision making sequence to prioritize the traffic types in order to maintain the current quality of service within the at least one quality of service threshold for each traffic type, the decision making sequence further capable of moderating broadcast of at least one of the plurality of traffic types with a jamming signal, wherein use of the jamming signal is based on the priority and the at least one quality of service threshold of at least one of the traffic types." Applicant respectfully maintains that the claim language, coupled with information known in the art, enables one of ordinary skill in the art to perform the above-cited element of Claim 17. Additionally, the above-cited element of Claim 17 is further enabled in the specification at least on page 16, lines 15-25, which recites that "the signal processing module 122 identifies quality of service parameters to determine if the frequency-overlapping protocols 110, 111 are operating within desirable ranges.

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The predetermined quality of service threshold is desirably maintained by the signal processing module 122 to insure that the corresponding wireless transmissions do not experience delays, corruption, or interference, which may degrade the data transmission throughput of a protocol 110, 111 to a level below a desired performance level.” Accordingly, the specification describes and enables one embodiment in which a signal processing module 122 performs the decision making process recited in Claim 17.

In view of the remarks above, Claim 17, as amended, is believed to be fully enabled by the originally filed specification. To the extent Claims 18-21 refer to the claim elements discussed above with reference to Claim 17, these claims are believed to be fully enabled for similar reasons. If the Examiner feels that additional elements in Claims 18-21 are not appropriately enabled, Applicant respectfully requests that specific notice of these claim elements is provided in a subsequent action. Applicant respectfully requests reconsideration and removal of the rejection of Claims 17-21.

Discussion of Claim Rejections Under 35 U.S.C. § 112, second paragraph

In Section 6 of the Office Action, the Examiner rejects Claims 14, 15, 24-27, and 38-40 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to this rejection, Applicant has amended the Claim dependencies of Claims 14, 15, 24-27, 38, and 40. Applicant believes that Claim 39 was inadvertently included in this rejection as the Office Action does not include a detailed explanation of the deficiency of Claim 39. Furthermore, Applicant believes that Claim 39 has proper antecedent basis as a dependent of Claim 38. Accordingly, Claim 39 has not been amended.

In view of the amendments to Claims 14, 15, 24-27, 38, and 40, and the remarks above regarding Claim 39, these claims are believed to provide proper antecedent basis for their respective claim terms. Reconsideration and removal of this rejection is respectfully requested.

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Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

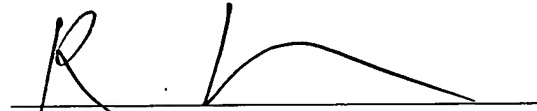
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

3/27/06

By: _____


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